

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

JUL 3 2002

PATRICK FISHER
Clerk

JAMES E. JENNINGS,

Plaintiff - Appellant,

v.

KOHL'S DEP'T STORE,

Defendant - Appellee.

No. 01-1536
(D.C. No. 00-Z-2407)
(D. Colorado)

ORDER AND JUDGMENT *

Before **SEYMOUR** , **PORFILIO** , and **O'BRIEN** , Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

Plaintiff James E. Jennings, appearing *pro se* , appeals the district court's grant of summary judgment to defendant, Kohl's Department Store, on his claims

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

alleging violations of Title VII, defamation, and what he characterizes as genetic discrimination. The parties are familiar with the facts and the procedural history of this case, and we will not repeat them here.

We review the grant of summary judgment *de novo*, applying the same standard as the district court. *Simms v. Okla. ex rel. Dep't of Mental Health & Substance Abuse Servs.*, 165 F.3d 1321, 1326 (10th Cir. 1999). “[W]e view the evidence and draw reasonable inferences therefrom in the light most favorable to the nonmoving party.” *Id.*

Having carefully reviewed the record in that light, we find no error. We can do no better than the magistrate judge and the district court either at interpreting plaintiff’s claims or explaining why they are without legal merit. We AFFIRM for substantially the reasons given by the magistrate judge in his Recommendation dated September 21, 2001, and by the district court in its order dated November 6, 2001, adopting that recommendation. The mandate shall issue forthwith.

Entered for the Court

Stephanie K. Seymour
Circuit Judge